

Additionally, the Office Action requested restriction to one of five indicated species of local administration, these being species I., II, II, IV and V, as set forth on pages 3-4 of the Office Action. The Office Action states on page 6 that one of these local administration species need be selected only if either Group D or Group E is selected for prosecution at this time.

Furthermore, page 5 of the Office Action sets forth Groups VI, VII, VIII, IX, X, XI and XII with regard to the botulinum toxin serotypes which can be used in a method to treat cardiac arrhythmia, and state on page 6 of the Office Action, that one of the species set forth by Groups VI-XII need be selected only if applicant elects Group E (the cardiac arrhythmia Group) for prosecution at this time.

II. Election with Traverse

Applicant elects Group D claims 7-18 and 28-36 with the elected species of local administration being Group I., intrapericardial injection.

The claims which appear to be relevant to the elected Group D and Species I are claims 7-11 , 14-18, 28-32 and 34.

Applicant traverses the requirement to elect any of the Groups or species set forth in the Office Acton because all the claims are directed to use of a neurotoxin to treat a cardiac muscle disorder and therefore a single search should be sufficient to search all of the claims.


~~Applicant cancels the non-elected claims 1-6 and 19-27 without prejudice to prosecution of these claims at a later date.~~

VIII. Conclusion

All issues raised by the Office Action have been addressed. Examination and allowance of claims 7-18 and 28-36 is requested.

Respectfully Submitted,

Date: May 18, 2001


Stephen Donovan
Registration Number 33,433

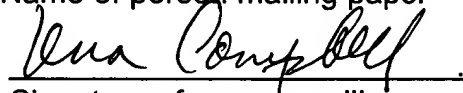
Please direct all correspondence to:
Stephen Donovan
Allergan, Inc. T2 7H
Tower Two, Seventh Floor
2525 Dupont Drive
Irvine, California 92612

Telephone: 714 246 4026
Fax: 714 246 4249

CERTIFICATE OF EXPRESS MAILING UNDER 37 C.F.R. § 1.10

I hereby certify that this the response to office action and the documents referred to as enclosed herein are being deposited with the United States Postal Service on this date May 18, 2001 in an envelope as "Express Mail Post Office to Addressee" Mailing Label number EL385557784US addressed to Commissioner for Patents, Washington, D.C. 20231

Lena Campbell
Name of person mailing paper


Signature of person mailing paper

Date: May 18, 2001